

106TH CONGRESS
2D SESSION

H. R. 4700

To grant the consent of the Congress to the Kansas and Missouri
Metropolitan Culture District Compact.

IN THE HOUSE OF REPRESENTATIVES

JUNE 20, 2000

Ms. MCCARTHY of Missouri (for herself and Mr. MOORE) introduced the
following bill; which was referred to the Committee on the Judiciary

A BILL

To grant the consent of the Congress to the Kansas and
Missouri Metropolitan Culture District Compact.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. CONSENT TO COMPACT.**

4 The Congress consents to the Kansas and Missouri
5 Metropolitan Culture District Compact entered into be-
6 tween the State of Kansas and the State of Missouri. The
7 compact reads substantially as follows:

1 “KANSAS AND MISSOURI METROPOLITAN
2 CULTURE DISTRICT COMPACT

3 “ARTICLE I. AGREEMENT AND PLEDGE

4 “The states of Kansas and Missouri agree to and
5 pledge, each to the other, faithful cooperation in the future
6 planning and development of the metropolitan culture dis-
7 trict, holding in high trust for the benefit of this people
8 and of the nation, the special blessings and natural advan-
9 tages thereof.

10 “ARTICLE II. POLICY AND PURPOSE

11 “The party states, desiring by common action to fully
12 utilize and improve their cultural facilities, coordinate the
13 services of their cultural organizations, enhance the cul-
14 tural activities of their citizens, and achieve solid financial
15 support for such cultural facilities, organizations and ac-
16 tivities, declare that it is the policy of each state to realize
17 such desires on a basis of cooperation with one another,
18 thereby serving the best interests of their citizenry and
19 effecting economies in capital expenditures and oper-
20 ational costs. The purpose of this compact is to provide
21 for the creation of a metropolitan culture district as the
22 means to implementation of the policy herein declared
23 with the most beneficial and economical use of human and
24 material resources.

1 “ARTICLE III. DEFINITIONS

2 “As used in this compact, unless the context clearly
3 requires otherwise:

4 “(a) ‘Metropolitan culture district’ means a political
5 subdivision of the states of Kansas and Missouri which
6 is created under and pursuant to the provisions of this
7 compact and which is composed of the counties in the
8 states of Kansas and Missouri which act to create or to
9 become a part of the district in accordance with the provi-
10 sions of Article IV.

11 “(b) ‘Commission’ means the governing body of the
12 metropolitan culture district.

13 “(c) ‘Cultural activities’ means sports or activities
14 which contribute to or enhance the aesthetic, artistic, his-
15 torical, intellectual or social development or appreciation
16 of members of the general public.

17 “(d) ‘Cultural organizations’ means nonprofit and tax
18 exempt social, civic or community organizations and asso-
19 ciations which are dedicated to the development, provision,
20 operation, supervision, promotion or support of cultural
21 activities in which members of the general public may en-
22 gage or participate.

23 “(e) ‘Cultural facilities’ means facilities operated or
24 used for sports or participation or engagement in cultural
25 activities by members of the general public.

1 “ARTICLE IV. THE DISTRICT

2 “(a) The counties in Kansas and Missouri eligible to
3 create and initially compose the metropolitan culture dis-
4 trict shall be those counties which meet one or more of
5 the following criteria:

6 “(1) The county has a population in excess of
7 300,000, and is adjacent to the state line;

8 “(2) The county contains a part of a city with
9 a population according to the most recent federal
10 census of at least 400,000; or

11 “(3) The county is contiguous to any county de-
12 scribed in provisions (1) or (2) of this subpart (a).
13 The counties of Johnson in Kansas and Jackson in
14 Missouri shall be sine qua non to the creation and
15 initial composition of the district. Additional coun-
16 ties in Kansas and Missouri shall be eligible to be-
17 come a part of the metropolitan culture district if
18 such counties are contiguous to any one or more of
19 the counties which compose the district and within
20 60 miles of the counties that are required by this ar-
21 ticle to establish the district;

22 “(b)(1) Whenever the governing body of any county
23 which is eligible to create or become a part of the metro-
24 politan culture district shall determine that creation of or
25 participation in the district is in the best interests of the

1 citizens of the county and that the levy of a tax to provide
2 on a cooperative basis with another county or other coun-
3 ties for financial support of the district would be economi-
4 cally practical and cost beneficial to the citizens of the
5 county, the governing body may adopt by majority vote
6 a resolution authorizing the same.

7 “(2) Wherever a petition, signed by not less than the
8 number of qualified electors of an eligible county equal to
9 5% of the number of ballots cast and counted at the last
10 preceding gubernatorial election held in the county and re-
11 questing adoption of a resolution authorizing creation of
12 or participation in the metropolitan culture district and
13 the levy of a tax for the purpose of contributing to the
14 financial support of the district, is filed with the governing
15 body of the county, the governing body shall adopt such
16 a resolution.

17 “(3) Implementation of a resolution adopted under
18 this subpart (b) shall be conditioned upon approval of the
19 resolution by a majority of the qualified electors of the
20 county voting at an election conducted for such purpose.

21 “(c)(1) Upon adoption of a resolution pursuant to
22 subpart (b)(1) or subpart (b)(2), the governing body of
23 the county shall request, within 36 months after adoption
24 of the resolution, the county election officer to submit to
25 the qualified electors of the county the question of whether

1 the governing body shall be authorized to implement the
 2 resolution. The resolution shall be printed on the ballot
 3 and in the notice of election. The question shall be sub-
 4 mitted to the electors of the county at the primary or gen-
 5 eral election next following the date of the request filed
 6 with the county election officer. If a majority of the quali-
 7 fied electors are opposed to implementation of the resolu-
 8 tion authorizing creation of, or participation in, the dis-
 9 trict and the levy of a tax for financial support thereof,
 10 the same shall not be implemented. The governing body
 11 of the county may review procedures for authorization to
 12 create or become a part of the district and to levy a tax
 13 for financial support thereof at any time following rejec-
 14 tion of the question.

15 “(2) The ballot for the proposition in any county shall
 16 be in substantially the following form:

17 “Shall a retail sales tax of _____ (insert
 18 amount, not to exceed $\frac{1}{4}$ cent) be levied and collected in
 19 Kansas and Missouri metropolitan culture district con-
 20 sisting of the county(ies) of _____ (insert name
 21 of counties) for the support of cultural facilities and orga-
 22 nizations within the district?

23 YES NO

24 The governing body of the county may place additional
 25 language on the ballot to describe the use or allocation
 26 of the funds.

1 “(d)(1) The metropolitan culture district shall be cre-
2 ated when implementation of a resolution authorizing the
3 creation of the district and the levy of a tax for contribu-
4 tion to the financial support thereof is approved by respec-
5 tive majorities of the qualified electors of at least Johnson
6 County, Kansas, and Jackson County, Missouri.

7 “(2) When implementation of a resolution author-
8 izing participation in the metropolitan culture district and
9 the levy of a tax for contribution to the financial support
10 thereof is approved by a majority of the qualified electors
11 of any county eligible to become a part of the district, the
12 governing body of the county shall proceed with the per-
13 formance of all things necessary and incidental to partici-
14 pation in the district.

15 “(3) Any question for the levy of a tax submitted
16 after July 1, 2000, may be submitted to the electors of
17 the county at the primary or general election next fol-
18 lowing the date of the request filed with the county elec-
19 tion officer; at a special election called and held as other-
20 wise provided by law; at an election called and held on
21 the first Tuesday after the first Monday in February, ex-
22 cept in Presidential election years; at an election called
23 and held on the first Tuesday after the first Monday in
24 March, June, August, or November; or at an election
25 called and held on the first Tuesday in April, except that

1 no question for a tax levy may be submitted to the electors
2 prior to January 1, 2002.

3 “(4) No question shall be submitted to the electors
4 authorizing the levy of a tax the proceeds of which will
5 be exclusively dedicated to sports or sports facilities.

6 “(e) Any of the counties composing the metropolitan
7 culture district may withdraw from the district by adop-
8 tion of a resolution and approval of the resolution by a
9 majority of the qualified electors of the county, all in the
10 same manner provided in this Article IV for creating or
11 becoming a part of the metropolitan culture district. The
12 governing body of a withdrawing county shall provide for
13 the sending of formal written notice of withdrawal from
14 the district to the governing body of the other county or
15 each of the other counties comprising the district. Actual
16 withdrawal shall not take effect until 90 days after notice
17 has been sent. A withdrawing county shall not be relieved
18 from any obligation which such county may have assumed
19 or incurred by reason of being a part of the district, in-
20 cluding, but not limited to, the retirement of any out-
21 standing bonded indebtedness of the district.

22 “ARTICLE V. THE COMMISSION

23 “(a) The metropolitan culture district shall be gov-
24 erned by the metropolitan culture commission which shall
25 be a body corporate and politic and which shall be com-

1 posed of resident electors of the states of Kansas and Mis-
2 souri, respectively, as follows:

3 “(1) A member of the governing body of each
4 county which is a part of the district, who shall be
5 appointed by majority vote of such governing body;

6 “(2) A member of the governing body of each
7 city, with a population according to the most recent
8 federal census of at least 50,000, located in whole or
9 in part within each county which is a part of the dis-
10 trict, who shall be appointed by majority vote of
11 such governing body;

12 “(3) Two members of the governing body of a
13 county with a consolidated or unified county govern-
14 ment and city of the first class which is a part of
15 the district, who shall be appointed by majority vote
16 of such governing body;

17 “(4) A member of the arts commission of Kan-
18 sas or the Kansas commission for the humanities,
19 who shall be appointed by the governor of Kansas;
20 and

21 “(5) A member of the arts commission of Mis-
22 souri or the Missouri humanities council, who shall
23 be appointed by the governor of Missouri.

24 To the extent possible, the gubernatorial appointees to the
25 commission shall be residents of the district. The term of

1 each commissioner initially appointed by a county gov-
2 erning body shall expire concurrently with such commis-
3 sioner's tenure as a county officer or three years after the
4 date of appointment as a commissioner, whichever occurs
5 sooner. The term of each commissioner succeeding a com-
6 missioner initially appointed by a county governing body
7 shall expire concurrently with such successor commis-
8 sioner's tenure as a county officer or four years after the
9 date of appointment as a commissioner, whichever occurs
10 sooner. The term of each commissioner initially appointed
11 by a city governing body shall expire concurrently with
12 such commissioner's tenure as a city officer or two years
13 after the date of appointment as a commissioner, which-
14 ever occurs sooner. The term of each commissioner suc-
15 ceeding a commissioner initially appointed by a city gov-
16 erning body shall expire concurrently with such successor
17 commissioner's tenure as a city officer or four years after
18 the date of appointment as a commissioner, whichever oc-
19 curs sooner. The term of each commissioner appointed by
20 the governor of Kansas or the governor of Missouri shall
21 expire concurrently with the term of the appointing gov-
22 ernor, the commissioner's tenure as a state officer, or four
23 years after the date of appointment as a commissioner of
24 the district, whichever occurs sooner. Any vacancy occur-
25 ring in a commissioner position for reasons other than ex-

1 piration of terms of office shall be filled for the unexpired
2 term by appointment in the same manner that the original
3 appointment was made. Any commissioner may be re-
4 moved for cause by the appointing authority of the com-
5 missioner.

6 “(b) The commission shall select annually, from its
7 membership, a chairperson, a vice chairperson, and a
8 treasurer. The treasurer shall be bonded in such amounts
9 as the commission may require.

10 “(c) The commission may appoint such officers,
11 agents and employees as it may require for the perform-
12 ance of its duties, and shall determine the qualifications
13 and duties and fix the compensation of such officers,
14 agents and employees.

15 “(d) The commission shall fix the time and place at
16 which its meetings shall be held. Meetings shall be held
17 within the district and shall be open to the public. Public
18 notice shall be given of all meetings.

19 “(e) A majority of the commissioners from each state
20 shall constitute, in the aggregate, a quorum for the trans-
21 action of business. No action of the commission shall be
22 binding unless taken at a meeting at which at least a
23 quorum is present, and unless a majority of the commis-
24 sioners from each state, present at such meeting, shall
25 vote in favor thereof. No action of the commission taken

1 at a meeting thereof shall be binding unless the subject
2 of such action is included in a written agenda for such
3 meeting, the agenda and notice of meeting having been
4 mailed to each commissioner by postage paid first-class
5 mail at least 14 calendar days prior to the meeting.

6 “(f) The commissioners from each state shall be sub-
7 ject to the provisions of the laws of the states of Kansas
8 and Missouri, respectively, which relate to conflicts of in-
9 terest of public officers and employees. If any commis-
10 sioner has a direct or indirect financial interest in any cul-
11 tural facility, organization or activity supported by the dis-
12 trict or commission or in any other business transaction
13 of the district or commission, the commissioner shall dis-
14 close such interest in writing to the other commissioners
15 and shall abstain from voting on any matter relating to
16 such facility, organization or activity or to such business
17 transaction.

18 “(g) If any action at law or equity, or other legal pro-
19 ceeding, shall be brought against any commissioner for
20 any act or omission arising out of the performance of du-
21 ties as a commissioner, the commissioner shall be indem-
22 nified in whole and held harmless by the commission for
23 any judgment or decree entered against the commissioner
24 and, further, shall be defended at the cost and expense
25 of the commission in any such proceeding.

5 “(b) The commission has the power to contract and
6 to be contracted with, and to sue and to be sued.

“(d) Upon receipt of recommendations from the advisory committee provided in subsection (g), the commission may provide donations, contributions and grants or other support, financial or otherwise, or in aid of cultural organizations, facilities or activities in counties which are part of the district. In determining whether to provide any such support the commission shall consider the following factors:

25 and to the general public;

1 “(3) contribution to the quality of life and pop-
2 ular image of the district;

3 “(4) contribution to the geographical balance of
4 cultural facilities and activities within and outside
5 the district;

6 “(5) the breadth of popular appeal within and
7 outside the district;

8 “(6) the needs of the community as identified
9 in an objective cultural needs assessment study of
10 the metropolitan area; and

11 “(7) any other factor deemed appropriate by
12 the commission.

13 “(e) The commission may own and acquire by gift,
14 purchase, lease or devise cultural facilities within the terri-
15 tory of the district. The commission may plan, construct,
16 operate and maintain and contract for the operation and
17 maintenance of cultural facilities within the territory of
18 the district. The commission may sell, lease, or otherwise
19 dispose of cultural facilities within the territory of the dis-
20 trict.

21 “(f) At any time following five years from and after
22 the creation of the metropolitan cultural district as pro-
23 vided in paragraph (1) of subsection (d) of article IV, the
24 commission may borrow moneys for the planning, con-
25 struction, equipping, operation, maintenance, repair, ex-

1 tension, expansion, or improvement of any cultural facility
2 and, in that regard, the commission at such time may:

3 “(1) issue notes, bonds or other instruments in
4 writing of the commission in evidence of the sum or
5 sums to be borrowed. No notes, bonds or other in-
6 struments in writing shall be issued pursuant to this
7 subsection until the issuance of such notes, bonds or
8 instruments has been submitted to and approved by
9 a majority of the qualified electors of the district
10 voting at an election called and held thereon. Such
11 election shall be called and held in the manner pro-
12 vided by law;

13 “(2) issue refunding notes, bonds or other in-
14 struments in writing for the purpose of refunding,
15 extending or unifying the whole or any part of its
16 outstanding indebtedness from time to time whether
17 evidenced by notes, bonds or other instruments in
18 writing. Such refunding notes, bonds or other instru-
19 ments in writing shall not exceed in amount the
20 principal of the outstanding indebtedness to be re-
21 funded and the accrued interest thereon to the date
22 of such refunding;

23 “(3) provide that all notes, bonds and other in-
24 struments in writing issued hereunder shall or may
25 be payable, both as to principal and interest, from

1 sales tax revenues authorized under this compact
2 and disbursed to the district by counties comprising
3 the district, admissions and other revenues collected
4 from the use of any cultural facility or facilities con-
5 structed hereunder, or from any other resources of
6 the commission, and further may be secured by a
7 mortgage or deed of trust upon any property inter-
8 est of the commission; and

9 “(4) prescribe the details of all notes, bonds or
10 other instruments in writing, and of the issuance
11 and sale thereof. The commission shall have the
12 power to enter into covenants with the holders of
13 such notes, bonds or other instruments in writing,
14 not inconsistent with the powers granted herein,
15 without further legislative authority.

16 “(g) The commission shall appoint an advisory com-
17 mittee composed of members of the general public con-
18 sisting of an equal number of persons from both the states
19 of Kansas and Missouri who have demonstrated interest,
20 expertise, knowledge or experience in cultural organiza-
21 tions or activities. The advisory committee shall make rec-
22 ommendations annually to the commission regarding do-
23 nations, contributions and grants or other support, finan-
24 cial or otherwise, for or in aid of cultural organizations,

1 facilities and activities in counties which are part of the
2 district.

3 “(h) The commission may provide for actual and nec-
4 essary expenses of commissioners and advisory committee
5 members incurred in the performance of their official du-
6 ties.

7 “(i) The commission shall cause to be prepared annu-
8 ally a report on the operations and transactions conducted
9 by the commission during the preceding year. The report
10 shall be submitted to the legislatures and governors of the
11 compacting states, to the governing bodies of the counties
12 comprising the district, and to the governing body of each
13 city that appoints a commissioner. The commission shall
14 publish the annual report in the official county newspaper
15 of each of the counties comprising the district.

16 “(j) The commission has the power to apply to the
17 congress of the United States for its consent and approval
18 of the compact. In the absence of the consent of congress
19 and until consent is secured, the compact is binding upon
20 the states of Kansas and Missouri in all respects permitted
21 by law for the two states, without the consent of congress,
22 for the purposes enumerated and in the manner provided
23 in the compact.

24 “(k) The commission has the power to perform all
25 other necessary and incidental functions and duties and

1 to exercise all other necessary and appropriate powers not
2 inconsistent with the constitution or laws of the United
3 States or of either of the states of Kansas or Missouri
4 to effectuate the same.

5 “ARTICLE VII. FINANCE

6 “(a) The moneys necessary to finance the operation
7 of the metropolitan culture district and the execution of
8 the powers, duties and responsibilities of the commission
9 shall be appropriated to the commission by the counties
10 comprising the district. The moneys to be appropriated to
11 the commission shall be raised by the governing bodies of
12 the respective counties by the levy of taxes as authorized
13 by the legislatures of the respective party states.

14 “(b) The commission shall not incur any indebtedness
15 or obligation of any kind; nor shall the commission pledge
16 the credit of either or any of the counties comprising the
17 district or either of the states party to this compact, ex-
18 cept as authorized in article VI. The budget of the district
19 shall be prepared, adopted and published as provided by
20 law for other political subdivisions of the party states. No
21 budget shall be adopted by the commission until it has
22 been submitted to and reviewed by the governing bodies
23 of the counties comprising the district and the governing
24 body of each city represented on the commission.

1 “(c) The commission shall keep accurate accounts of
2 all receipts and disbursements. The receipts and disburse-
3 ments of the commission shall be audited yearly by a cer-
4 tified or licensed public accountant and the report of the
5 audit shall be included in and become a part of the annual
6 report of the commission.

7 “(d) The accounts of the commission shall be open
8 at any reasonable time for inspection by duly authorized
9 representatives of the compacting states, the counties
10 comprising the district, the cities that appoint a commis-
11 sioner, and other persons authorized by the commission.

12 “ARTICLE VIII. ENTRY INTO FORCE

13 “(a) This compact shall enter into force and become
14 effective and binding upon the states of Kansas and Mis-
15 souri when it has been entered into law by the legislatures
16 of the respective states.

17 “(b) Amendments to the compact shall become effec-
18 tive upon enactment by the legislatures of the respective
19 states.

20 “ARTICLE IX. TERMINATION

21 ““This compact shall continue in force and remain
22 binding upon a party state until its legislature shall have
23 enacted a statute repealing the same and providing for
24 the sending of formal written notice of enactment of such
25 statute to the legislature of the other party state. Upon

1 enactment of such a statute by the legislature of either
2 party state, the sending of notice thereof to the other
3 party state, and payment of any obligations which the
4 metropolitan culture district commission may have in-
5 curred prior to the effective date of such statute, includ-
6 ing, but not limited to, the retirement of any outstanding
7 bonded indebtedness of the district, the agreement of the
8 party states embodied in the compact shall be deemed fully
9 executed, the compact shall be null and void and of no
10 further force or effect, the metropolitan culture district
11 shall be dissolved, and the metropolitan culture district
12 commission shall be abolished.

13 “ARTICLE X. CONSTRUCTION AND
14 SEVERABILITY

15 “The provisions of this compact shall be liberally con-
16 strued and shall be severable. If any phrase, clause, sen-
17 tence or provision of this compact is declared to be con-
18 trary to the constitution of either of the party states or
19 of the United States or the applicability thereof to any
20 government, agency, person or circumstance is held in-
21 valid, the validity of the remainder of this compact and
22 the applicability thereof to any government, agency, per-
23 son or circumstance shall not be affected thereby. If this
24 compact shall be held contrary to the constitution of either

1 of the states party thereto, the compact shall thereby be
2 nullified and voided and of no further force or effect.

3 “(a) The board of county commissioners of any coun-
4 ty which has been authorized by a majority of the electors
5 of the county to create or to become a part of the metro-
6 politan culture district and to levy and collect a tax for
7 the purpose of contributing to the financial support of the
8 district shall adopt a resolution imposing a countywide re-
9 tailers’ sales tax and pledging the revenues received there-
10 from for such purpose. The rate of such tax shall be fixed
11 in an amount of not more than .25%. Any county levying
12 a retailers’ sales tax under authority of this section is
13 hereby prohibited from administering or collecting such
14 tax locally, but shall utilize the services of the state de-
15 partment of revenue to administer, enforce and collect
16 such tax. The sales tax shall be administered, enforced and
17 collected in the same manner and by the same procedure
18 as other countywide retailers’ sales taxes are levied and
19 collected and shall be in addition to any other sales tax
20 authorized by law. Upon receipt of a certified copy of a
21 resolution authorizing the levy of a countywide retailers’
22 sales tax pursuant to this section, the state director of tax-
23 ation shall cause such tax to be collected within and out-
24 side the boundaries of such county at the same time and
25 in the same manner provided for the collection of the state

1 retailers' sales tax. All moneys collected by the director
2 of taxation under the provisions of this section shall be
3 credited to the metropolitan culture district retailers' sales
4 tax fund which fund is hereby established in the state
5 treasury. Any refund due on any countywide retailers'
6 sales tax collected pursuant to this section shall be paid
7 out of the sales tax refund fund and reimbursed by the
8 director of taxation from retailers' sales tax revenue col-
9 lected pursuant to this section. All countywide retailers'
10 sales tax revenue collected within any county pursuant to
11 this section shall be remitted at least quarterly by the
12 state treasurer, on instruction from the director of tax-
13 ation, to the treasurer of such county.

14 “(b) All revenue received by any county treasurer
15 from a countywide retailers' sales tax imposed pursuant
16 to this section shall be appropriated by the county to the
17 metropolitan culture district commission within 60 days
18 of receipt of the funds by the county for expenditure by
19 the commission pursuant to and in accordance with the
20 provisions of the Kansas and Missouri metropolitan cul-
21 ture district compact. If any such revenue remains upon
22 nullification and avoidance of the Kansas and Missouri
23 metropolitan culture district compact, the county treas-
24 urer shall deposit such revenue to the credit of the general
25 fund of the county.

1 “(c) Any countywide retailers’ sales tax imposed pur-
2 suant to this section shall expire upon the date of actual
3 withdrawal of the county from the metropolitan culture
4 district or at any time the Kansas and Missouri metropoli-
5 tan culture district compact becomes null and void and
6 of no further force or effect. If any moneys remain in the
7 metropolitan culture district retailers’ sales tax fund upon
8 nullification and voidance of the Kansas and Missouri
9 metropolitan culture district compact, the state treasurer
10 shall transfer such moneys to the county and city retailers’
11 sales tax fund to be apportioned and remitted at the same
12 time and in the same manner as other countywide retail-
13 ers’ sales tax revenues are apportioned and remitted.”.

14 **SEC. 2. RESERVATION OF RIGHTS.**

15 The Congress expressly deserves the right to alter,
16 amend, or repeal this Act.

